

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

OTIS BRIDGEFORTH,

Plaintiff,

-against-

1:08-CV-779
(LEK/RFT)

COUNTY OF RENSSELAER, *et al.*,

Defendants.

DECISION AND ORDER

This matter comes before the Court following a Report-Recommendation filed on August 12, 2008 by the Honorable Randolph F. Treece, United States Magistrate Judge, pursuant to 28 U.S.C. § 636(b) and L.R. 72.3 of the Northern District of New York. Report-Rec. (Dkt. No. 8). After ten days from the service thereof, the Clerk has sent the entire file to the undersigned, including the Objections and Second Amended Complaint by Plaintiff Otis Bridgeforth, which were filed on August 21, 2008. Objections (Dkt. No. 9); Second Amended Complaint (Dkt. No. 10).

It is the duty of this Court to “make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b). “A [district] judge... may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” *Id.* This Court has considered the objections and has undertaken a de novo review of the record and has determined that the Report-Recommendation should be approved for the reasons stated therein. In adopting the Report-Recommendation, the Court would have required Plaintiff to file a Second Amended Complaint. Since Plaintiff filed the

Second Amended Complaint along with his Objections, the Court hereby refers the Second Amended Complaint back to the Magistrate Judge for further review.

Accordingly, it is hereby

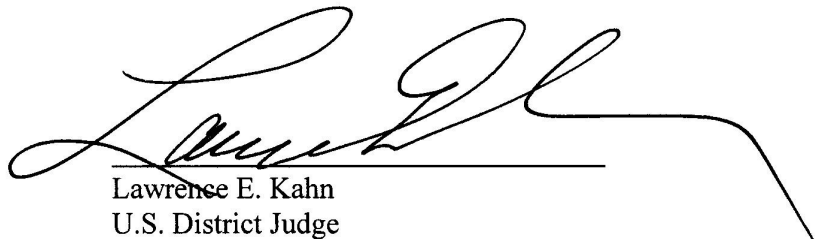
ORDERED, that the Report-Recommendation (Dkt. No. 8) is **APPROVED** and **ADOPTED** in its **ENTIRETY**; and it is further

ORDERED, that in light of Plaintiff's filing of the Second Amended Complaint on August 21, 2008 (Dkt. No. 10), the Second Amended Complaint is referred back to the Magistrate Judge for further review; and it is further

ORDERED, that the Clerk serve a copy of this Order on the Plaintiff.

IT IS SO ORDERED.

DATED: August 25, 2008
Albany, New York



Lawrence E. Kahn
U.S. District Judge